

**Notice of Allowability****Application No.**

10/568,305

**Examiner**

GAUTAM PRAKASH

**Applicant(s)**

KHOURI, ANTHONY J.

**Art Unit**

1775

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Preliminary Amendment filed 03 August 2011.
2. ☒ The allowed claim(s) is/are 25-30,32-35,37-40 and 42-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20110805
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Nathan A Bowers/  
Primary Examiner, Art Unit 1775

/G. P./  
Examiner, Art Unit 1775

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 23 October 2006, 31 March 2008, 19 January 2010, 21 January 2011.

**DETAILED ACTION**

***Information Disclosure Statement***

1. The examiner has considered the Information Disclosure Statement (IDS) filed on 19 January 2010.
2. The IDSs filed on 23 October 2006, 31 March 2008, 21 January 2011 fail to comply with the provisions of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609. Specifically, the IDSs submitted did not contain information in English for the following non-English references: DE 956 378, DE 85 01 010.3, DE 88 018 81.4, EP 0 998 383, JP 2001-79418, SU 421520, SU 977188, and SU 1796533. The following must be provided for non-English documents that are cited:
  - (a) A concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information, unless a complete translation is provided; and/or
  - (b) A written English language translation of a non-English language document, or portion thereof, if it is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c).

M.P.E.P. § 609.01.

3. These non-English references have been placed in the application file, but the examiner has not considered the information referred to therein as to the merits. The examiner has, however, considered the references that comply with the provisions of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609.

4. Copies of portions of the IDSs listing the references are being returned to Applicant along with this Office action and serve both as acknowledgement of receipt of the IDSs and as an indication as to which references the examiner considered. Applicant is advised that the date of any re-submission of any item of information contained in any of the IDSs or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 C.F.R. § 1.97(e). *See*, M.P.E.P. § 609.05(a).

***Drawings***

5. The drawings filed on 03 August 2011 are accepted.

***Reasons for Allowance***

6. Rodgers *et al.* (WO 01/26871), cited in the International Search Report (ISR) mailed 22 December 2003 and in the IDS filed 23 October 2006, represents the closest prior art. However this reference does not anticipate or render obvious a mixing drum with a wall made up of two sections joined at a seam, with a first and second ramps formed in the interior of the drum and proximate to the seam, and with a channel formed in between the first and second ramps.

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

***Conclusion***

Claims 25 to 30, 32 to 35, 37 to 40, and 42 to 47 are allowed. Claims 1 to 24, 31, 36, 41, and 48 to 54 were cancelled in the Preliminary Amendment under 37 C.F.R. § 1.115 filed 03 August 2011.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GAUTAM PRAKASH whose telephone number is 571-270-3030. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 8:30 am to 7:00 pm, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Marcheschi can be reached on 571-272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/G.P./  
Examiner, Art Unit 1775

/Nathan A. Bowers/  
Primary Examiner, Art Unit 1775